

Chair Mayer, Chair Liu, Senator Jackson, and other members of the Senate:

Thank you for the opportunity to provide testimony for this hearing on student discipline and suspension practices, and on Senate bill S.1040, the “Solutions Not Suspension Act.”

In developing this testimony, we sought perceptions and recommendations from a cross-section of superintendents throughout our state:

- We asked them about trends in student behavior in their schools and the perceptions and concerns of employees and families.
- We also inquired about the problem of disproportionate imposition of exclusionary discipline upon some student groups—specifically, students of color, students with disabilities, and LGBTQ students.
- We asked, as well, how districts apply discipline now, recognizing concern that students who are suspended tend to suffer worse outcomes in school and in life after school.

Rising Concern About Student Behavior

Before deciding whether and how to change local or state policies in student discipline, we should first be sure to understand current conditions in our schools and communities.

Numerous surveys have reported increases in unsafe or disruptive student behavior, particularly since the onset of the COVID-19 pandemic:

- In July 2022, the National Center for Education Statistics reported that 84% of public schools nationwide agreed or strongly agreed that the pandemic has negatively affected students’ behavioral development; 56% agreed that classroom disruptions from student misconduct have increased.
- 79% of public schools in the NCES survey reported a need for more support for student or staff mental health; 70% see a need for more support for student or staff mental health; 70% see

SUPERINTENDENTS IN THEIR OWN WORDS

I would say that there is definitely an increase in problematic behaviors since the pandemic. I think the sense of community was eroded and we are working very diligently to repair that and restore the positive culture that once existed. We are seeing an increase in substance use (vapes etc.). We do have an increase in parents fearing for their children’s safety at school, not necessarily due to local issues, but to the violence in the world.

Without question, we have seen a dramatic increase in disruptive and unsafe behaviors in our school. The level of disrespect that students are showing towards the adults and their peers is hard to believe. Currently, I feel we are understaffed to deal with the volume of behaviors.

We have experienced a significant increase in problematic behaviors since the pandemic shutdowns. At lower elementary grades (PreK, K, 1) we have seen verbal, emotional and physical outbursts at a scale and intensity that we have not seen before (e.g., kindergartners swearing, punching, and choking; first and second graders throwing chairs and overturning desks). Understandably, parents have expressed significant concern for their children getting hurt.

Parents and teachers are worried about safety. The situation in Virginia with the 6-year-old and a gun has caused people to now believe this can happen anywhere to anyone.

SUPERINTENDENTS IN THEIR OWN WORDS

We are seeing an increase in the number of students experiencing problems with self-regulation and demonstrating unsafe behaviors, as well as in the intensity of the incidents.

We hear from parents very concerned about the behaviors of other students, about their children's safety, and also about the need for help with their own children's behavior.

Since the return, disruptive behavior has increased. Many of these behaviors are a manifestation of mental health issues and/or the lack of or disappearance of social norms. Incidents of inappropriate and disrespectful behavior have definitely increased, and we are seeing it in the parents/guardians too. Also, the lack of parent involvement and concern is at an all-time high.

We do hear from parents all the time about safety concerns. However, we hear from some parents that they are ok with their child fighting and using physical violence. Mostly they claim its self-defense.

I agree that there has been an increase in challenging behaviors in the wake of the pandemic. However, the behaviors are an outward symptom and manifestation of the rise in mental health needs that increased during the pandemic and are further exacerbated by a decrease in access to mental health resources, particularly in rural areas.

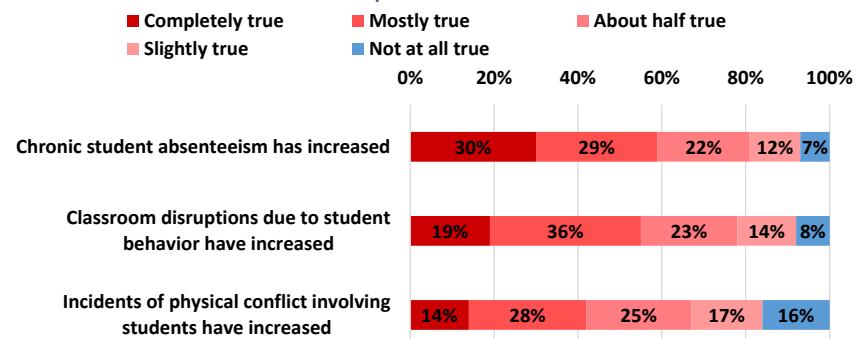
need for training in supporting students' socio-emotional development and 51% cite a need for more training on classroom management strategies.

- In a 2022 survey, the educational consulting firm, EAB, found that 77% of educators responding nationwide agreed that student behavior is now one of their top concerns, up from 61% before the pandemic and 68% answered that behavioral disruptions have increased.

Our own survey, conducted last November, yielded similar results. Fifty-five percent of superintendents statewide responded that it is completely or mostly true that classroom disruptions due to student behavior have increased since the onset of the COVID-19 pandemic; only 7% answered that it was not at all true for their schools.

More alarmingly, 42% of superintendents in our survey responded that it is completely or mostly true that incidents of physical conflict involving students have increased; just 16% said that was not at all true in the case of their schools.

November 2022 NYS Council of School Superintendents Survey:
To what extent would you say each of the following statements is true about the experiences of your district or BOCES since the onset of the COVID-19 pandemic?



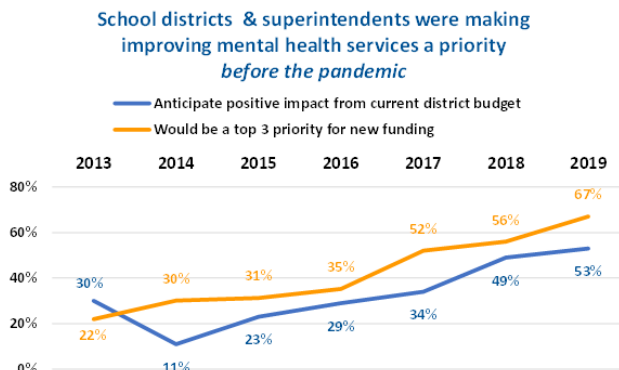
Anecdotally, superintendents tell us their schools have experienced behavioral troubles among young students unprecedented in both their extent and intensity. For example, they report kindergartners swearing and punching or choking other children. They share stories about first and second graders throwing chairs and other objects. Among older students, issues with substance abuse and vaping have increased.

Superintendents also stress that they hear from parents worried about the safety of their children. Some also call seeking help for their own children's struggles. Regrettably, more superintendents now also share that they encounter parents who are disengaged and unresponsive when concerns about their children are conveyed.

The fear among parents about school safety is fueled in part by news accounts of violence in schools elsewhere, however rare in actual occurrence, and that too might be a factor in mounting distress among children.

Our past surveys drew attention to near universal concern among superintendents about student mental health *before the pandemic*. For example, between 2015 and 2019, the share of superintendents identifying improving student mental health services as a top funding priority more than doubled—from 31% to 67%. It was the most widely cited priority every year since 2017.

We have also been able to report that districts have been following through and strengthening those services, especially in recent years with the help of Foundation Aid increases and federal COVID-relief aid. This year, for example, 82% of superintendents anticipated that their district budgets will improve student mental health services, more than any other function. It is especially encouraging that superintendents leading the highest poverty districts were most likely to report improvement in those services—92% did so.



But growing needs among children have outpaced these improvements. It is common for superintendents to tell us they cannot find candidates to serve in student support roles, that there are waiting lists for special education services, and that there are no placements for students with the most acute mental health problems.

Shortages of staff and services not only impair the ability to respond to student needs, they may also amplify those needs, as what might at first be small issues cannot be addressed until they become much more severe problems.

Worries about their own safety and that of their students, plus escalating episodes of disruptive behavior, and the inability to respond adequately to students' struggles, all erode morale among teachers and other school staff.

SUPERINTENDENTS IN THEIR OWN WORDS

The rise in childhood depression, anxiety, suicidal ideation, cyberbullying, substance abuse and violent behaviors can be attributed to the isolated environments and circumstances that many children experienced during the pandemic shutdowns despite our best efforts to provide continuity of instruction and supports.

We have seen an increase of behavior problems – it has nothing to do with the pandemic, it has everything to do with culture – culture that the media and politicians are exhibiting and, in turn the parents are, and, in turn, the students are. There is no respect from politicians (just watch some hearings lately) or our media members so it is being emulated. That is why the disrespect is driving higher, period.

We have definitely seen an uptick in student behavior issues since the return from the pandemic. Most of the issues are the result of some form of substance abuse or mental health need. We have been able to facilitate the attendance of substance abuse counseling and other types of counseling as the result of behavior/superintendent agreements. We have found very little help or support from county agencies and, when we do have an agency that is willing to reach out to a family, the family is often uncooperative.

SUPERINTENDENTS IN THEIR OWN WORDS

I believe that restorative practices can help tremendously. Students need to develop empathy... I believe we should be circling up and spending more time talking with students and getting to the root of the issues. However, the lack of time is always the issue. Having someone come in and train our staff on restorative practices could go a long way. I've reached out to one or two people I know but they are booked.

The lesson we've drawn from previous well-meaning equity work is that parents and students need to be involved and that we need to start with small projects at the building levels, rather than impose practices on the whole system at once.

Even with teacher support and understanding of many restorative practices require repeated trial and adjustment... Parents, victims of threats or bullying, are also not thrilled with our newer approaches. It will take many years to see if these programs provided more students access to a free and appropriate public education.

If I surveyed staff, they would not be as supportive of restorative practices, student contracts, and other intervention strategies we have implemented ... Routinely they report that there is a lack of belief that these new strategies will work, as the evidence of improvement is slow to develop...

We try not to suspend and spend a lot of resources and time on conscious discipline at the K-6 level (understanding behavior and having the student reflect on why they behave the way they do and how to fix or control that behavior) and restorative practices at grades 7-12... We do a lot of circles, try to find root causes of issues and then work from there. We do follow a progression of discipline model. I think a lot of districts do not know how or have training...

In our survey last November, 80% of superintendents responded that it is completely or mostly true that “faculty and staff well-being has become a significant concern.”

If school professionals react by abandoning their careers, the capacity to help our children will be further diminished. Accordingly, we must all take care to avoid actions which would compound our already difficult circumstances.

Changing Student Discipline Practices

Both in anecdotal exchanges with superintendents and in formal surveys, we find that many districts have been making changes in student discipline practices—revising the codes of conduct required by State Education Law and expanding use of restorative practices and other alternative discipline models.

In a November 2021 survey, we included questions asking superintendents about actions their schools had been taking to address diversity, equity, and inclusion concerns. We found:

- Statewide, 52% of superintendents responded that their schools had either fully implemented or were then in the process of implementing steps toward, “Revising student discipline policy to focus on restorative practices and eliminate disproportionate disciplinary actions.”
- Another 32% responded that possible changes were then under consideration (now 18 months ago).

These survey findings match our sense of the prevalence of ongoing district activity toward reconsidering and revising student discipline practices.

Some of this activity began on purely local initiative and some is responsive to previous actions by state and federal policymakers.

August 2019 guidance from the New York State Attorney General and Education Department reminded school officials of their continuing obligation to avoid discriminatory outcomes in discipline practices, notwithstanding withdrawal of federal guidance following the change in presidential administrations.

Also, the federal Every Student Succeeds Act requires state and district-level plans to avoid “the overuse of discipline practices that remove students from the classroom.”

At our statewide conferences, we have had superintendents present on how their schools have implemented restorative practices; they and others since have also shared lessons learned. One key theme is that adoption and implementation of new

discipline models requires time and training to build staff and community “buy-in” and cannot be swiftly imposed through a one-size-fits-all model.

Unfortunately, we have also heard that there is skepticism and resistance to changing discipline practices in some school communities. No doubt, criticisms can be misplaced and unfair—for example, blaming a rising incidence of problematic student behavior on the adoption of new discipline models, while ignoring all the other factors harming the well-being of young people and perhaps inducing that behavior.

But assuring acceptance and support from staff and families is essential. We cannot allow perceptions to gain force that our schools are unsafe and that disruptive behavior is rampant. That is not the day-to-day norm in our schools. But news coverage does tend to spotlight exceptional occurrences and so reports of in-school violence and substance abuse command attention. Those reports alarm parents and the public at-large, and can, in turn, undermine support for reforms in student discipline. Unchecked, they also threaten to erode confidence in the entire institution of public education.

Several years ago, we asked superintendents what they most wanted the public to understand about their work. We received many thoughtful responses. Most poignant, however, was one superintendent’s declaration that, “Every day I wake up and think, can we keep everyone safe today?” Nothing is more important than ensuring the safety of every child entrusted to our care.

How Districts Apply Discipline Now

Superintendents emphasize that suspending a student is almost never the first, or even second or third response.

Some districts have been able to limit the use of suspensions to incidents where violent student behavior has hurt or endangered other students or school employees. Superintendents share that, after an alarming episode, teachers, paraprofessionals, and other students sometimes need a respite to “re-set” and re-establish composure in the classroom so that learning can resume and proceed.

Superintendents also emphasize recognition that suspensions alone do not change behavior. Their schools combine any exclusionary discipline with mental health assistance, restorative practices, or other interventions.

SUPERINTENDENTS IN THEIR OWN WORDS

Parents, victims of threats or bullying, are also not thrilled with our newer approaches. School shootings, rampant car thefts, increased use of marijuana in school and in households, and a belief from many in the public that schools are “weak” on student discipline. Then, you add a discussion about removing suspension and people don’t even wait to hear the discussion, they have already decided it is not for them. Packaging this work as ongoing, part of systemic change, and not reactive to any flavor of the month politics, also matters a lot.

While it is true that we often explore and assign alternatives to suspension, we have found that after a violent or other serious incident that staff need a respite to gather themselves and to support the other affected students.

I know we all agree that suspensions do not change behavior. But our teachers are more stressed than I have ever seen before... Also, there is always pressure from the parents who claim their child is being threatened or bullied. Finally, suspending a student does force a parent to meet in school or show up at a hearing when they won't respond to a message or phone call. This is unfortunate.

If suspension is part of a disciplinary requirement, it is coupled with intensive services to support the student during, and after, the suspension. We agree—suspension should be a ‘last resort’ consequence held for instances of dangerous behavior. Suspension alone does not change behavior. However, it would be devastating to the overall safety and security of a public school setting to interfere with local boards of education in administration of their Codes of Conduct and their duty to provide for a safe and secure school environment.

SUPERINTENDENTS IN THEIR OWN WORDS

Being able to hold students and families accountable for counseling through a behavior contract or superintendent agreement has been huge. Families have benefited and student lives have been changed.

Currently, we cannot mandate chemical dependency counseling as an outcome, but students/parents sometimes choose this option if the alternative is a longer suspension (e.g. you will be suspended 20 days for transgression X, but you can return in 2 days if you agree to substance abuse counseling).

Contracts are facilitated when a student violates the code of conduct in an egregious manner... Once a hearing is conducted, I meet with students and their families to facilitate an agreement that involves a planned transition back to the student's normal day, counseling services if needed, participation in re-entry (restorative circle) meetings and a follow up. These meetings have been extremely productive, in many instances create a bond between the student, the family and the school. We have seen very few repeat offenses. The contract (and the suspension that is held in abeyance) enables us to create a system of accountability.

Many of my colleagues have already done remarkable things with their codes of conduct, their student management plans, and in their communication plans with parents. Asking them to share their plans, looking at models, and continuing to train staff and parents on what school discipline works matters. Parents today are more likely to call the police than the school if their child is bullied or threatened in school, because they feel we "don't do anything." That mindset will not be quickly shifted. But I can reference [districts] in my region that have done a fabulous job of updating their codes of conduct to be models we are using this year as we review our district's code of conduct.

School officials cannot mandate that students receive mental health support or participate in substance abuse counseling. But schools have been able to use conduct contracts or agreements to lead families and students to agree to accept that help. Suspensions are reduced or eliminated if a student does so. In some cases, results have been life-altering in setting students on a better path.

Research has been cited that students subject to exclusionary discipline are more likely to suffer poor outcomes in school and in life after school. But it is too simple to assume that restricting the former will alone fix the latter. It seems probable that factors that lead students to have behavior problems in school also contribute to those other struggles. Therefore, other broader interventions must be identified and provided.

Recommendations

We do not support the "Solutions Not Suspensions Act as proposed. We have no doubt whatsoever that supporters have only the best interests of students in mind, we just disagree with the approach.

It should be noted that our organization and partner public school groups have met with advocates in an effort to reach some commonsense compromises. To date, those groups have been unwilling to acknowledge our collective concerns that this omnibus bill will have deleterious effects on schools that they do not intend.

Without legislation, schools are already undertaking alternative approaches to discipline. A new statutorily opposed framework will not adequately address disciplinary problems and it could cause families of means to seek other educational opportunities outside of the public education system, if those families come to believe, whether right or wrong, that the safety of their children can no longer be assured.

There is work for many partners to take on.

The State Education Department should revise teacher and leader preparation requirements to ensure learning about implicit biases that may contribute to disparities in discipline across student groups, as well as about alternative approaches to discipline. Institutions of higher education can begin to make those changes, without awaiting direction from SED.

Expanded training should also be provided on those same topics for teachers, administrators, and other staff who are already at work in our schools.

Some districts have done exemplary work in revising their codes of conduct and adopting restorative practices and other approaches to student discipline. The Education Department could identify and disseminate these models. Our organization has done some of that already, through our statewide conferences and our Commission on Diversity and Inclusivity. We can do more.

The availability of adequate services to help struggling students remains a concern. We are encouraged by initiatives included in the new state budget, including increased funding for child mental health outside of schools and parity in insurance coverage for school-based mental health services.

Telemedicine models have been used by schools serving rural communities to provide mental health counseling to students, with support through BOCES Aid. It has been determined, however, that financial support cannot continue without a change in law. We are advocating that change, with bill language supplied by the State Education Department.

We noted that infusions of Foundation Aid and federal COVID-relief aid have enabled many districts to improve to improve student mental health services, as well as other programs. But that federal aid is being spent down and will have to be entirely committed by early in the 2024-25 school year. Also, with the attainment of full-funding, future increases in Foundation Aid may moderate considerably.

We foresee a need for targeted funding to support services and interventions to help schools both improve how discipline problems are addressed and to deliver essential help to struggling students. That funding should be distributed by formula, not competitive grants. The continuing delay in allocating \$100 million in RECOVS (Recover from COVID in Schools) grants in *last year's* state budget should be incontrovertible evidence of the defects of that model for addressing urgent priorities.

Once again, thank you for inviting our testimony. Thank you, as well, for all your past support of our schools and all the students they serve.